

OBTAINING A NEW BIRTH CERTIFICATE AFTER GENDER REASSIGNMENT

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What is gender reassignment?

Gender reassignment occurs when a person has his or her sexual characteristics surgically altered to those of the opposite sex. This is not the same as “gender error,” which occurs when a person’s sex is incorrectly stated on the original birth certificate by the person responsible for completing the certificate and registering the birth.

I’ve undergone gender reassignment. How do I obtain a new birth certificate?

California Health and Safety Code Section 103425 provide:

“Whenever a person born in this state has undergone surgical treatment for the purpose of altering his or her sexual characteristics to those of the opposite sex, a new birth certificate may be prepared for the person reflecting the change of gender and any change of name accomplished by an order of a court of this state, another state, the District of Columbia, or any territory of the United States.”

A petition for the issuance of a new birth certificate reflecting the change of gender must be filed with the Superior Court of the county where you reside. (Health & Safety Code Section 103425.)

If you have already obtained a legal name change prior to filing your petition for a new birth certificate, your petition to the court must be accompanied by an affidavit of a physician documenting the gender reassignment and a certified copy of the court order changing your name (Health & Safety Code Section 103430).

In lieu of separate proceedings, you can file a single petition with the court for a change of name **and** the issuance of a new birth certificate reflecting a change of gender (Health & Safety Code Section 103435). In this case, your petition to the court must be accompanied by an affidavit of a physician documenting the gender reassignment.

How do I file a petition with the court?

We suggest you contact an attorney in this matter. If you do not wish to consult an attorney, there are books available at bookstores or public libraries to assist you with the court process. The Office of Vital Records (OVR) cannot provide legal advice, nor does it have information concerning the legal process. You may also want to access the following web site for additional information:

www.courtinfo.ca.gov.

After I obtain my court orders, what do I need to do?

You will need to submit a completed *Affidavit to Amend a Record*, VS 24(S), to the Office of Vital Records, P.O. Box 730241, Sacramento, CA 94244-0241. Upon receipt of the application, the appropriate court order(s), and payment of the required fee, OVR will review the documents and, if acceptable, will seal the original birth certificate and issue a new one in its place. The new birth certificate will in no way indicate that it is not your original birth certificate and will be the only birth certificate for you that is open to public inspection.

What is the fee for a new birth certificate after gender reassignment?

The fee for a new birth certificate after gender reassignment is \$20 and includes one certified copy of the newly established record. If you would like more than one certified copy, you must send \$15 for each additional copy requested.

How do I complete the Application to Amend a Record, Form VS 24(S)?

PART I of the form must be completed exactly as the information appears on the original birth certificate. If you need a copy of your birth certificate to complete this section, you may obtain a copy by completing an [Application for Certified Copy of Birth Record](#) and submitting the application to OVR, along with the \$15 fee. The processing time for obtaining a certified copy from OVR is approximately 14 weeks; however, you may obtain a certified copy from the [County Recorder](#) in the county where you were born in a much timelier manner.

PART II of the form should be completed as follows:

Item 7. List the certificate item number for each item on your original birth certificate or a subsequently amended birth certificate that needs to be changed, i.e., the certificate item number for your first name, middle name, and sex.

Item 8A. Enter the information as it appears on your original record.

Item 8B. Enter the information as it should appear on your newly established record.

Item 9. Enter the Superior Court information (county, case number, etc.) for the court that issued the order for a new birth certificate reflecting change of gender and the court ordered name change, if applicable. You must include **certified copies** of the court orders with your VS 24(S).

Items 10A-10E. Complete items 10A-10E with your personal information. Contrary to the instructions on the VS 24(S), two signatures are **not** required when using the VS 24(S) for gender reassignment; however, another person having knowledge of the facts may also sign the VS 24(S), if you desire.

When completing the VS 24(S), please make sure to enter the information as legibly as possible so it can be easily read by OVR staff when preparing your new birth record. If you have a typewriter, please type the form to further reduce the possibility of errors.

USE BLACK INK ONLY when completing the form. Since the VS 24(S) is a legal document, there can be no erasures, whiteouts, or alterations on the completed form.

[Can I use a photocopy of my court orders when applying for my new birth certificate?](#)

No. The court orders must be ***certified copies*** of the court order of gender reassignment and of the court ordered decree of name change, issued by the courts that granted the orders. Each certified copy must have an *original seal* and an *original signature* of the court clerk, and must be a certified copy of the order with the written signature of the judge – not a copy of an order with a stamped or printed name. OVR does not return the court orders after your new birth record is prepared.

[Where do I get a VS 24\(S\) form?](#)

We are unable to provide this form online. However, you can request that a form be mailed to you by clicking on OVRform@dhs.ca.gov and providing us with your name, mailing address, and the form number you wish to receive. You may also obtain the form from the [County Recorder](#) or the [County Health Department](#) located in any California county. Xeroxed copies of the form are not acceptable.

[How long will it take to obtain my new birth certificate?](#)

Due to our current backlog of pending amendments, all requests are processed in the order received. The current processing time is approximately 10 months. Please note that processing times are subject to change without notice.

[I still have unanswered questions. Where can I get help?](#)

If you have additional questions, please call (916) 557-6076 and leave your name and telephone number. One of our Amended Records Unit staff will return your call within 48 hours.